IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2273 OF 2005

ROLIC AG etal ....Petitioner

Versus

Union of India and Ors. ... Respondents.

Mr. Shyam Divan, Senior Advocate, with M/s. Alankar Kirpekar, Manish Saurastri and Kiran Desai, instructed by M/s. Shantilal & Company, for the petitioner.

Mr.Rajiv Chavan with Mrs. N.V. Masurkar for respondents.

CORAM: **DALVEER BHANDARI, C.J.** &
S.J. VAZIFDAR, J.

DATE: SEPTEMBER 20, 2005.

P.C.

The petitioner is aggrieved by the order dated 5th May, 2005 passed by the Assistant Controller of Patents and Designs, by which the petitioner's application No. IN/PCT/2001/01187/MUM is deemed to have been abandoned under Section 21 (1) of the Patents (Amendment) Ordinance, 2004 for not meeting the requirements as under.

(i) Method claims does not define the method steps;
(ii) Claim 1 does not define the invention sufficiently;
(iii) Title is not constant with description and claims.
(iv) Title is not precise.
(v) Last date was in order for grant is expired on 05.04.2005.

2. The learned counsel for the petitioner submits that the petitioner has approached this forum because the Appellate Forum is not functioning. This fact has not been disputed by the learned counsel appearing for the respondents.

3. We have carefully perused the impugned order dated 5th May, 2005. In the facts and circumstances of this case, we deem it appropriate to set aside the impugned order and direct the Assistant Controller of Patents & Designs to give a reasoned order as expeditiously as possible, and, in any event, within six weeks from the date of receipt of this order.

4. No further directions are necessary. This petition is accordingly disposed of.

CHIEF JUSTICE

S.J. VAZIFDAR, J.